

350 CMR 12.00: GOVERNMENT AND USE OF THE WATERS OF THE CHARLES RIVER BASIN

Section

12.01: Definitions

12.02: Government and Use of the Waters of the Charles River Basin

12.03: Violations

12.01: Definitions

Anchor - Shall mean to hold fast by an anchor.

Basin - Shall mean the Charles River Basin as defined by St. 1909, c. 524, as amended by St. 1962, c. 550, and includes the Charles River and its tributaries lying between the Watertown Dam and the Charles River Dam.

Commission - Shall mean the governing body of the Metropolitan District Commission.

Harbor Master - Shall mean the person designated by the Commission in accordance with M.G.L. c. 92, § 75.

Headway Speed - Shall mean, for the purpose of 350 CMR 12.00, the slowest speed at which a motor boat may be operated and maintain steerage way, but in no case to exceed ten miles per hour.

Litter - Shall mean any bottles, glass, wood, trash, tires, crockery, cans, scrap metal, junk, paper, garbage, rubbish or similar refuse.

Moor - Shall mean to secure a watercraft to a floating or fixed structure or to secure to a dock, float, buoy or watercraft secured thereto.

Person - Shall mean the Commonwealth or any agency, authority or other, or office, any municipality, corporation, partnerships, individual, association or other entity, and includes an office or governing or managing body of any municipality, political subdivision or public or private corporation.

Sewage - Shall mean all human body wastes.

Watercraft - Shall mean any boat, ship, vessel, or watercraft, whether moved by oars, paddles, sails or power mechanisms, inboard or outboard, or any other vessel or structure floating upon the water, whether or not capable of self-locomotion, including but not limited to house boats, barges, and similar floating objects.

12.02: Government and Use of the Waters of the Charles River Basin

(1) Except in any emergency, anchoring or mooring any watercraft outside of locations designated for the purpose by buoys or markers set by direction of the Commission shall be prohibited without a permit. Moorings in stream must be of a type and at a location approved in advance by the Harbor Master.

(2) Operation of a watercraft at a speed exceeding ten miles per hour, or in such a manner as to endanger or annoy bathers or the occupants of other boats, or to create a wake within 50 yards of floats, is prohibited.

(3) No wake shall be created within 50 yards of canoes, shells, rowboats or sail boats. Passing of a shell(s) or canoe(s) by powerboats shall be as follows:

(a) Powerboats approaching a shell(s) or canoe(s) from the opposite direction shall reduce speed to headway only, well in advance.

(b) Powerboats approaching a shell(s) or canoe(s) going in the same direction shall indicate intent to pass and shall wait for a reply. The shell(s) or canoe(s) shall acknowledge at the

earliest opportunity and shall stop to allow the powerboat to pass at controlled wake.

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- (4) The area between the North Beacon Street Bridge and the Boston University Bridge shall be designated as a controlled wake area. Speed in this area shall be limited to six miles per hour unless a watercraft can be safely operated at a higher speed without producing a wake injurious to floats, banks or other watercraft.
- (5) Where the operator's vision is obscured due to weather conditions or when traveling under bridges or on sharp bends and curves, watercraft shall be operated at not more than headway speed.
- (6) Houseboats or vessels that cannot be moved under their own power shall not be allowed to moor in said Basin unless granted special permission by the Harbor Master.
- (7) Swimming and ice skating shall be permitted in the Basin only in areas specially designated and posted by the Commission.
- (8) After June 1, 1976, no person shall moor in the Basin any watercraft equipped with a toilet unless such toilet is either sealed or provided with a device, approved by the Commission, that will preclude the discharge of untreated sewage into the Basin.
- (9) Sewage, garbage, litter or other waste material shall not be discharged, placed, thrown or deposited in or upon the Basin. (M.G.L. c. 21, § 42, of the Massachusetts Clean Waters Act states as follows: "Any person who, directly or indirectly, throws, drains, runs, discharges or allows the discharge of any pollutant into waters of the Commonwealth, except in conformity with a permit issued under section 43; or who violates any provision of this chapter, any valid regulation, order or permit prescribed or issued by the director thereunder; or who knowingly makes any false representation in an application, record, report or plan, or falsifies, tampers with or renders inaccurate a monitoring device or method, required under this chapter, (a) shall be punished by a fine of not less than \$2,500 nor more than \$25,000 for each day such violation occurs or continues, or by imprisonment for not more than one year, or by both; or (b) shall be subject to a civil penalty not to exceed \$10,000 per day of such violation, which may be assessed in an action brought on behalf of the Commonwealth in any court of competent jurisdiction".)
- (10) The provisions of M.G.L. c. 21, §§ 26 to 58, inclusive, as amended and known as the Massachusetts Clean Waters Act, shall not be violated.
- (11) No person shall drop, throw, or place and allow to remain any litter, garbage, or other refuse, except in the receptacles provided therefor; nor throw a lighted match or any other burning substance in said receptacles; nor bring or cause to be brought within any reservation or parkway any garbage, refuse or material for the purpose of dumping or depositing same within said receptacles.
- (12) In case of emergency, or when public safety and convenience require, the Harbor Master shall, establish Rules for the governing of regattas, boat races, and other water events, which are conducted in said Basin, and shall have full authority to enforce such Rules.
- (13) Operation of a watercraft for livery or carrying passengers for hire on the Basin shall be prohibited without a written permit from the Commission.
- (14) All reasonable directions of an Authorized Police officer, MDC Park Ranger or a person charge, shall be obeyed.
- (15) Watercraft in excess of 30 feet shall not moor in the Basin or above the Boston University Bridge without written permission from the Commission.
- (16) All watercraft using the Charles River Locks shall follow the established Rules for Charles River Locks Passage
- (17) Except in an emergency, no person shall, without a permit from the Harbor Master, moor a watercraft to a public landing in excess of 20 minutes.

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(18) After sunset, all watercraft shall display proper lights.

12.03: Violations

Any person violating any of 350 CMR 12.00 shall for each offense be punished by a fine of not more than \$250. (M.G.L. c. 92, § 38)

The Massachusetts State Police Officers and the MDC Park Rangers shall strictly enforce 321 CMR (Massachusetts Department of Fisheries and Wildlife) and 323 CMR (Division of Law Enforcement).

REGULATORY AUTHORITY

350 CMR 12.00: M.G.L. c. 92, § 38.

NON-TEXT PAGE